



# Spokane Plan Commission Agenda

December 9, 2015

2:00 PM to 5:00 PM

City Council Chambers

**TIMES GIVEN ARE AN ESTIMATE AND ARE SUBJECT TO CHANGE**

## Public Comment Period:

3 minutes each Citizens are invited to address the Plan Commission on any topic not on the agenda

## Commission Briefing Session:

2:00 - 2:15	1) Approve November 11, 2015 Meeting Minutes	
	2) City Council/Community Assembly Liaison Reports	
	3) President Report	Dennis Dellwo
	4) Transportation Subcommittee Report	John Dietzman
	5) Secretary Report	Louis Meuler
	• Interim Zoning Ordinance-Definition of "Household"	

## Workshops:

2:15 - 2:35	1) West Hills/SFCC neighborhood & Transit Planning Effort	Kevin Freibott
2:35 - 2:55	2) Modification to the Animal Keeping Ordinance SMC 17.C.310	Heather Trautman
2:55 - 3:40	3) Electric Fence Ordinance	Boris Borisov
3:40 - 3:50	4) Year-End Photo Shoot	Amanda Winchell

## Hearings:

4:00 - 5:00	1) Kendall Yards Centennial Alley Name Change	Tami Palmquist
	2) Spokane Housing Ventures Annexation-Land Use & Zoning	Jo Anne Wright

## Adjournment:

- 1) Next Plan Commission meeting will be on January 13th, 2015

The password for City of Spokane Guest Wireless access has been changed:

Username: **COS Guest**

Password:

**AMERICANS WITH DISABILITIES ACT (ADA) INFORMATION:** The City of Spokane is committed to providing equal access to its facilities, programs, and services for persons with disabilities. The Council Chambers and the Council Briefing Center in the lower level of Spokane City Hall, 808 W. Spokane Falls Blvd., are both wheelchair accessible. The Council Briefing Center is equipped with an audio loop system for persons with hearing loss. The Council Chambers currently has an infrared system and headsets may be checked out by contacting the meeting organizer. Individuals requesting reasonable accommodations or further information may call, write, or email Chris Cavanaugh at (509) 625-6383, 808 W. Spokane Falls Blvd, Spokane, WA, 99201; or [ccavanaugh@spokanecity.org](mailto:ccavanaugh@spokanecity.org). Persons who are deaf or hard of hearing may contact Ms. Cavanaugh at (509) 625-6383 through the Washington Relay Service at 7-1-1. Please contact us forty-eight (48) hours before the meeting date.

ORDINANCE NO. C \_\_\_\_\_

An ordinance relating to animal control and amending Spokane Municipal Code sections 01.05.160, 17C.310.010; -- Now, Therefore,

The City of Spokane does ordain:

Section 1. That SMC 1.05.160 is amended.

<b>SMC 1.05.160 Penalty Schedule – Land Use Violation Infraction</b>		<b>Violation Class</b>
<b>General</b>		
IFC 105.3.3 SMC 17G.010.100(B) SMC 10.48.050	Occupy Land or Building Without Certificate of Occupancy	2
SMC 10.48.130	Alarm Installation or Monitoring Company Failure to Provide Customer List	1
	Alarm Installation or Monitoring Company Failure to Report New Customers	1
<b>Boiler Code</b>		
SMC 10.29.020	Operating Boiler Without License	1
SMC 10.29.021	Failure to Report Hazard	1
SMC 10.29.022	Leaving Boiler Room	2
SMC 17F.030.110	Failure to Cause Required Inspections of Boiler, Pressure Vessel	2
SMC 17F.030.130	Improper Operation of Boiler, Pressure Vessel	1
SMC 17F.060.050	Operate Without Elevator Operating Permit	1
<b>Fire Code – International Fire Code (IFC)</b>		
Chapter 22 IFC	Improper Aboveground Storage Tank for Motor Fuel Dispensing	1
Chapter 28 IFC	Improper Storage, Display of Aerosols	2
Chapter 33 IFC	Unauthorized Manufacture, Storage, Sale, Use, Handling of Explosives	1
IFC 105.6.14 Chapter 10.33A SMC 17F.080.060		
IFC 107	Continuance of Hazard	1
IFC 109		
IFC 110		
IFC 109.2.2	Noncompliance with Condemnation Tag	1
IFC 109.2.4	Removal, Destruction of Tag, Sign	1
IFC 304	Improper Storage/Accumulation of Rubbish, Vegetation	2

IFC 304	Storage, Use, Handling of Miscellaneous Combustible Material	2
IFC 308	Improper Use of Candles, Open Flame	3
IFC 311	Failure to Properly Maintain Vacant Building, Property	2
IFC 503.4	Obstruction of Fire Access Road	2
IFC 703.1	Failure to Maintain Fire-resistive Construction	2
IFC 703.2	Failure to Maintain Fire Assemblies for Openings	2
IFC 704		
IFC 805	Failure to Flameproof Decorative Material	2
IFC 806		
IFC 901.4	Failure to Install Protection for Kitchen Hoods, Ducts	2
IFC 901.4	Failure to Install Sprinkler System	2
IFC 901.4	Failure to Install Alarm System	1
<a href="#">SMC 17F.080.100</a>		
<a href="#">SMC 17F.080.150</a>		
IFC 901.6	Failure to Maintain Automatic Extinguishing System	2
IFC 901.6	Failure to Maintain Kitchen Rangehood Extinguishing System	2
IFC 901.6	Failure to Maintain Sprinkler System	2
IFC 901.6	Failure to Maintain Standpipe System	2
IFC 903.4	Failure to Provide Approved Electronic Monitoring for Sprinkler and Fire Alarm Systems	2
IFC 907.15		
IFC 904.11.6.3	Failure to Clean Kitchen Hoods, Ducts	2
IFC 905.3	Failure to Install Standpipe System	2
IFC		
IFC 1003.6	Obstruction of Exit	1
IFC 1011	Failure to Provide Exit Signs	1
IFC 2703.3	Release of Hazardous Material	1
IFC 3404.2.13.1.3	Failure to Remove Abandoned Underground Storage Tank	1
<b>Spokane Municipal Code</b>		
<a href="#">SMC 10.08.040</a>	Fire Hazard from Vegetation and Debris	1
<a href="#">SMC 10.20.020</a>	Abatement of Nuisance	1
<a href="#">SMC 12.01.0804</a>	Failure to Maintain Pedestrian Strip	2
<a href="#">SMC 12.02.010</a>	Sidewalk Not Clear of Snow, Ice	3
<a href="#">SMC 12.02.0210</a>	Vegetation Nuisance Obstruction	1
<a href="#">SMC 12.02.0737</a>	Obstruction of Public Right-of-Way	1
<a href="#">SMC 12.02.0760</a>	Disposal of Leaves and Yard Debris	2
<a href="#">SMC 13.05.010</a>	Tree, etc., Interfering With City Sewer	2
<a href="#">SMC 13.05.020</a>	Poplar, Cottonwood Tree Near Utility Line	2
<a href="#">SMC 17C.110.100</a>	Use Not Permitted in Residential Zone	2
<a href="#">SMC 17C.110.110</a>	Limited Use Standards (Residential)	2
<a href="#">SMC 17C.110.120</a>	Accessory Uses – Residential	2
<a href="#">SMC 17C.110.200</a>	Violation of Development Standards – Residential	2
–		
<a href="#">SMC 17C.110.220</a>		

SMC 17C.110.225	Accessory Structures – Residential	2
SMC 17C.110.230	Residential Fence	2
SMC 17C.110.270	Exterior Storage	<u>2</u>
SMC 17C.110.300	Alternative Residential Development	1
–		
SMC 17C.110.350		
SMC 17C.110.400	Multi-family Design Standards	1
–		
SMC 17C.110.465		
SMC 17C.110.500	Institutional Design Standards	1
–		
SMC 17C.110.575		
SMC 17C.120.100	Use Not Permitted in Commercial Zone	1
SMC 17C.120.110	Limited Use Standards – Commercial	1
SMC 17C.120.210	Development Standards - Commercial	1
–		
SMC 17C.120.300		
SMC 17C.120.310	Commercial Fence	1
SMC 17C.120.500	Commercial Design Standards	1
–		
SMC 17C.120.580		
SMC 17C.122.070	Use Not Permitted in Center and Corridor Zone	1
SMC 17C.122.080	Development Standards – Center and Corridor Zone	1
–		
SMC 17C.122.150		
SMC 17C.124.100	Use Not Permitted in Downtown Zone	1
SMC 17C.124.110	Limited Use Standards – Downtown	1
SMC 17C.124.210	Development Standards - Downtown	1
–		
SMC 17C.124.300		
SMC 17C.124.310	Fences – Downtown Zone	1
SMC 17C.124.340	Parking and Loading - Downtown	1
SMC 17C.124.500	Design Standards – Downtown	1
–		
SMC 17C.124-590		
SMC 17C.130.100	Use Not Permitted in Industrial Zone	1
–		
SMC 17C.130.110		
SMC 17C.130.210	Violation of Development Standards	1
–		
SMC 17C.130.250		
SMC 17C.130.270	Outdoor Activities Not Permitted	1
SMC 17C.130.300	Detached Accessory Structures	1
SMC 17C.130.310	Industrial Fence	1
SMC 17C.160.020	North River Overlay District	1
–		

SMC 17C.160.030	
SMC 17C.170.110 Special Height Overlay Zone	1
SMC 17C.180.050 Airfield Overlay Zone	1
—	
SMC 17C.180.100	
SMC 17C.200.040 Landscaping and Screening Requirements	1
—	
SMC 17C.200.110	
SMC 17C.210.040 Non-conforming Rights	1
—	
SMC 17C.210.070	
SMC 17C.220.080 Off-Site Impacts	1
—	
SMC 17C.220.090	
SMC 17C.230.140 Development Standards – Parking and Loading	2
—	
SMC 17C.230.300	
SMC 17C.230.310 Design Standards - Parking Structures	1
SMC 17C.240.070 Sign in Violation of the Sign Code	1
—	
SMC 17C.240.270	
SMC 17C.300.100 Accessory Dwelling Units General Regulations	2
SMC 17C.300.110 Accessory Dwelling Units Criteria	2
SMC 17C.300.130 ADU Development Standards	1
SMC 17C.305.020 Adult Business Use Standards	1
SMC 17C.310.100 Animal Keeping – Permitted/Prohibited Practices/ <u>Noisy</u>	2
— <u>Animals</u>	
SMC 17C.310.160	
SMC 17C.315.120 Bed and Breakfast Use-related Regulations	2
SMC 17C.315.130 Bed and Breakfast Site-related Standards	2
SMC 17C.315.150 Bed and Breakfast Monitoring	2
SMC 17C.315.160 Pre-established Bed and Breakfast Facilities	2
SMC 17C.319.100 Commercial Use of Residential Streets	2
SMC 17C.319.200 Recreational Camping	2
SMC 17C.320.080 Conditional Uses	1
SMC 17C.325.030 Drive-through Facilities	1
—	
SMC 17C.325.060	
SMC 17C.330.120 Group Living Development Standards	1
SMC 17C.335.110 Historical Structures – Change Of Use Development Standards	1
SMC 17C.340.100 Home Occupations	2
—	
SMC 17C.340.110	
SMC 17C.345.100 Manufactured Homes and Mobile Home Parks	1
—	

SMC 17C.345.120		
SMC 17C.350.030	Development Standards – Mini Storage Facilities	1
SMC 17C.350.040	Design Considerations – Mini Storage Facilities	1
SMC 17C.355.030	Wireless Communication Facilities	1
–		
SMC 17C.355.040		
SMC 17C.390.030.B	Mobile Food Vending Located Entirely on Private Property	1
Chapter 17D.060	Stormwater Facility Standards	1
SMC 17E.010.080	Aquifer Pollution Nuisance Declared by Critical Review Officer	2
SMC 17E.010.160(B)	Failure to Comply With Order, Decision of Critical Review Officer	1
SMC 17E.010.350(F)		
SMC 17E.010.540(F)		
SMC 17E.010.160(C)	Failure to Abide by Terms, Conditions of Permit, License, Approval	1
SMC 17E.010.210(A)	Maintain Underground Storage Tank Without Permit	2
SMC 17E.010.230	Use of Underground/Aboveground Storage Tank Without Permit	1
SMC 17E.010.440		
SMC 17E.010.350(A)	Supply False, Inaccurate, Incomplete Information Concerning an UST or AST	2
SMC 17E.010.350(E)		
SMC 17E.010.540(A)		
SMC 17E.010.540(E)		
SMC 17E.010.350(B)	Approval Permit Violation	2
SMC 17E.010.540(B)		
SMC 17E.010.350(C)	Fill Unpermitted Underground/Aboveground Storage Tank	2
SMC 17E.010.540(C)		
SMC 17E.010.350(D)	Tamper with, Fail to Maintain Inventory, Other Records	2
SMC 17E.010.540(D)		
Chapter 17E.020	Prohibited Activities in Fish and Wildlife Areas and Buffers	1
SMC		

Chapter 17E.040	Prohibited Activities in Geological Hazard Areas and Buffers	1
SMC		
SMC 17E.060.120	Use, Alter Land, Erect, Alter, Occupy Structure Within Shoreline Without Compliance With Shoreline Management Regulations	1
Chapter 17E.070	Prohibited Activities in Wetlands and Buffers	1
SMC		
SMC 17F.070.380	Failure to Discharge Responsibilities of Owner	2
SMC 17F.070.390	Failure to Discharge Responsibilities of Occupant	2
SMC 17F.080.250	Failure to Maintain Fire Alarm System	1
SMC	Failure to Provide Fire Protection System Verification	2
17F.080.260(B)	Fees	
SMC 17F.080.280	Failure to Secure Fire-damaged Building	2
SMC 17F.080.390	Failure to Provide Semi-annual Inspection of Private Hydrant	2
SMC 17F.080.420	Failure to Maintain Private Hydrant	2
SMC 17F.080.440	Lack of Basement Sprinkler System in Existing Building	2
SMC 17G.010.100	Testing Underground Storage Tank Without Spokane Fire Department Registration	1
(C)(2)		

Section 2. That SMC 17C.310.010 is amended.

## Chapter 17C.310 Animal Keeping

### Section 17C.310.010 Purpose

#### A. Animal Keeping.

The purpose of this chapter is to make provisions for and set limits on the keeping of animals within the City limits. This section recognizes the commercial and sport animal keeping activities as well as the desire of citizens to keep pets. The provisions of this section strive to provide the broadest personal discretion in animal keeping. However, since the City is characterized as an intense urban environment with people living in close proximity, this section also emphasizes the significant responsibility of animal owners and keepers to protect the rights and lifestyles of their neighbors. Animal owners and keepers are expected to meet the following requirements as a reflection of their responsibility.

##### 1. Unrestrained Animals.

Owners and keepers are to keep all animals contained within a structure or fenced yard or on a leash or other appropriate harness or retraining device capable of safely controlling the animal. As provided in chapter 5.04 of the Spokane County Code, dog may be permitted to run at large. Racing/homing pigeons are allowed to fly unrestrained during periods of exercise, training and racing.

2. Noisy Animals.  
Owners and keepers are to prevent their animals from making ~~unnecessary or unusual noises to the extent~~ continuous distressed or other unusual noise that ~~reasonable~~ unreasonably disturbs a person or group persons are annoyed. This section does not relate to dogs which are regulated by SCC 5.04.070(7). A violation of this section is a class two civil infraction under SMC 1.05.160. Chapter 5.04 of the Spokane County Code and 10.08D SMC relate to noisy animals.
3. Dangerous Dog, Potentially Dangerous Dog and Inherently Dangerous Animals.  
The keeping of dangerous or potentially dangerous dogs shall be regulated pursuant to chapter 10.03 SMC. The keeping of inherently dangerous animals is prohibited in all zones pursuant to SMC 17C.310.150, except as provided in Chapter 5.12 of the Spokane County Code.
4. Potentially Rabid Animals.  
Chapter 5.04 of the Spokane County Code prohibits the keeping of any dog and/or cat over age six months that has not been properly inoculated against rabies. Any animal afflicted with rabies or that has been exposed to a rabid animal or suspected rabid animal shall be either destroyed or detained and treated in a manner directed by the health officer, in accordance with state communicable disease regulations (WAC 246-100-197 Rabies – Measures to Prevent Human Disease).
5. Nuisance Related to Odors.  
Owners and keepers are to maintain their animals in a clean and sanitary condition so as not to create offensive odors or other nuisances to the extent that a reasonable person is annoyed. SMC 10.08.030 relates to the creation of a nuisance, including nuisance conditions related to odor.

Passed by the City Council on \_\_\_\_\_ 2015.

\_\_\_\_\_  
Council President

Attest:

Approved as to form:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date



---

Effective Date

BRIEFING PAPER  
City of Spokane  
Plan Commission  
Wednesday, November 18, 2015

---

Subject

Suggested changes to Spokane Municipal Code (SMC) 17C.310 Animal Keeping regarding noisy animals.

Background

Regional Animal Protection Services included the adoption of a regional ordinance for uniform enforcement of laws and public policy. The City of Spokane adopted this regional ordinance – Spokane County Code (SCC) Chapter 5.04 with the exception of certain sections pertaining to potentially dangerous and dangerous dogs. Additional language will be added to SMC 17.C.310.010 A (2) Noisy Animals as this section currently does not delineate between dogs and other animals. Language which regulated animal noise was removed when the reference to SCC 5.04 was adopted. The adoption of this section would restore the ability to regulate animal noise. The regional ordinance under SCC 5.04 provides a separate section that regulates barking dogs. Language will also be updated to provide clarification on what consists of a violation of this ordinance.

Impact

No changes to animal keeping of animals except dogs and cats. Barking dog enforcement is regulated separately from other animals according to the regional ordinance. Noisy animals except for dogs are regulated in SMC. Additionally, language has been clarified so it is clear to the public what constitutes a violation.

Action

Recommend a public hearing and forward the proposed changes to the City Council for consideration

Funding

No funding is required. Enforcement is included in the current inter-local agreement and the MOU regarding Urban Farm Animals with Spokane County Regional Animal Protection Service (SCRAPS).

**BRIEFING PAPER**  
**City of Spokane**  
**Planning Services Department**  
**November 18, 2015**

---

**Subject**

Proposal to amend Spokane Municipal Code to allow electric fences in commercial and industrial zones.

**Background**

Electric Guard Dog LLC is seeking a Text Amendment to the Spokane City fence code, to allow business owners in commercial and industrial zones to install electric fence security systems. The current code does not permit fences or barriers charged with electricity in residential, commercial, downtown, or industrial zones. In Residential Agricultural (RA) zones, the use is permitted for the containment of livestock only.

The text amendment is to allow the installation of electric fence security systems with the following features:

- Powered by commercial storage battery not to exceed 12 volts DC.
- Battery is charged primarily by a solar panel; can be augmented by commercial trickle charger.
- Electric fences shall have a height of ten feet.
- Electric fences shall be completely surrounded by a non-electrical fence or wall that is not less than six feet.
- Location: Permitted on any non-residential outdoor storage areas.
- Warning Signs: electric fences shall be clearly identified with warning signs at intervals of not less than sixty feet.
- Electric fences shall be governed and regulated under burglar alarm regulations and permitted as such

The Plan Commission held a workshop on this matter on August 28, 2015 and October 28, 2015. Concerns were raised about allowing electric fences in General Commercial (GC) zones due to close proximity to residential zones and negative aesthetic impact. Commissioners asked staff to explore ways to mitigate negative impacts in GC zones including requiring a conditional use permit and/or applying design standards.

Staff worked with the applicant to draft code language to allow electric fences in Light Industrial (LI), Heavy Industrial (HI), and General Commercial Zones (GC). To address concerns, the applicant provided language to help minimize negative impacts. This includes not allowing electric fences within 150 feet of residential

property, schools, or daycare facilities, unless exterior perimeter fence (the non-electric fence) is covered with a solid covering (e.g. solid mesh, slats, etc.) in industrial zones. In GC zones, all electric fences would be required to have a solid covering. The goal is to prevent further contact with the electric fence. In addition, an indemnification clause was added which states users will hold the City harmless in case of injury, death, or property damage as a result of electric fence use.

Staff does not recommend requiring a Conditional Use Process (CUP) for GC zones as this process is expensive and requires a 120 day minimum review period. Additionally, the current review process for a permit to install an electric fence (if this proposal passes) would require a similar review from Building, Planning, and Fire departments that CUP process triggers. Staff recommends additional screening requirements to mitigate the visual impact of electric fences (see attached code draft for added requirements).

### **Impact**

Electric fences are a tool to deter crime. This change would impact all General Commercial, Light Industrial, and Heavy Industrial zones in the City of Spokane (see attached map).

### **Funding**

This is a private application. The applicant has paid the application fee required for text amendments.

### **Action**

This is a workshop to provide an update to the Plan Commission and introduce additional screening requirements for electric fences. The Plan Commission is being asked to explore the proposed draft and determine if the proposal is ready to go to a hearing.

#### **Attachments:**

- Proposed text changes to SMC 17C.120.310 and 17C.130.310
- Affected Zones Map
- Summary of Electric Guard Dog Security System
- YRC Site Plans

**STAFF REPORT ON  
STREET NAME CHANGE APPLICATION  
FILE NO. Z1500080STNC**

***I. SUMMARY OF REQUEST AND RECOMMENDATION:***

Description: An application was submitted by North Gorge Residential Properties, LLC for the renaming of Centennial Alley from the west side of Elm St to the south side of Summit Parkway AND naming of the public alley in alignment with Centennial on the east side of Elm St to the south side of Summit Parkway, to be renamed "Centennial Way."

Recommendation: Staff recommends approval of the street name change.

***II. GENERAL INFORMATION:***

- |    |                            |   |
|----|----------------------------|---|
| A. | Applicant:                 | North Gorge Residential Partners LLC<br>1421 N. Meadowwood Lane, Suite 200<br>Liberty Lake, WA 99019  |
| B. | Location of Proposal:      | The subject property is the public right-of-way of Centennial Alley from the west side of Elm St to the south side of Summit Parkway the public alley in alignment with Centennial on the east side of Elm St to the south side of Summit Parkway |
| C. | Existing Zoning:           | RMF (Residential Multi-Family)  |
| D. | Land Use Plan Designation: | West of Elm is designated Residential 15-30, east of Elm is designated CC Core.   |
| E. | SEPA Status:               | Categorically Exempt  |
| F. | Enabling Zoning:           | SMC Chapter 17D.050 – Roadway Naming.   |
| G. | Hearing Date:              | November 18, 2015, 4:00 p.m.  |
| H. | Staff Contact:             | Tami Palmquist, 625-6157  |

### **III. DEPARTMENT REPORTS:**

Notice and request for comments were sent to the City departments and outside agencies concerned with land development on October 29, 2015, and again on November 6, 2015. Copies of reports from those who responded to the notice and request for comments, if any, will be contained within the public record for this file and made part of this report by reference. Two responses were received from property owners along this stretch of right-of-way. Responses were also received from the Master Street Address Guide of Spokane County, the City of Spokane Public Safety GIS Specialist, the Spokane County GIS Manager, Spokane County Fire Dispatch Division Chief Atwood and City of Spokane Fire Chief Bobby Williams.

### **IV. CONCLUSIONS:**

**Procedure. The procedure for naming of roadways is detailed in SMC 17D.050.010 and outlined below:**

#### *17D.050.010 - Naming of Roadways – Procedure*

- A. Any project permit action that results in a name being created to identify a new roadway, whether public or private, shall comply with the requirements of this chapter. The applicant will designate proposed roadway names. The Director of Planning shall review the proposed roadway names for consistency with this chapter.*
- B. Other than as provided in subsection (A) of this section, a roadway name shall be established or changed by ordinance upon recommendation of the Plan Commission. Any proposed roadway name change shall be consistent with the naming of roadways policy of SMC 17D.050.020.*
- C. Before submitting a proposed roadway name change to the Plan Commission, the Director of Planning shall cause the applicant to give notice to the owners of property fronting on the roadway, the United States Postal Service and emergency dispatching personnel, for the purpose of eliciting comments. The Director shall also cause the applicant to post notice pursuant to SMC 17G.060.120.*

**Policy. The policy for naming of roadways is detailed in 17D.050.020 and outlined below:**

#### *17D.050.020 – Naming of Roadways – Policy.*

- A. Only traveled ways that qualify as roadways may be named.*
- B. All roadways shall be named regardless of whether the ownership is public or private. Without limitation, this includes all roadways that are created within plats, short plats, binding site plans, PUDs and manufactured/mobile home parks. All named roadways shall meet the requirements outlined in SMC 17D.050.020(B)(1-11).*
- C. Roadway name suffixes will be assigned in reference to the nature of the roadway they are describing. The suffixes and corresponding abbreviations are outlined in SMC 17D.050.020(C)(1-14).*

**Decision Criteria.** The decision criteria for roadway name change is detailed in 17D.050.070 and outlined below:

*17D.050.070 – Decision Criteria – Roadway Name Change*

*Roadway name changes should be approved only when they further the public interest or public safety, specifically in the dispatching of emergency vehicles. A change in the name of an existing roadway is subject to approval by the City Council. The City Council, subsequent to the recommendation of the Plan Commission, may grant a roadway name change if the proposed change is consistent with the policy for naming roadways found in SMC 17D.050.020.*

**Relevant Facts**

Staff has reviewed the application and finds that the proposed street name change meets all the relevant criteria outlined in 17D.050.020 – Naming of Roadways – Policy.

With regards to comments received from emergency dispatch and GIS; Centennial Alley should be renamed to a street designation and not an alley designation so that it shows up in the GIS. The right-of-way measures 25 feet in width along the entire length in question and therefore meets the requirements of a roadway that can be named. The names of the two aligned streets should match, eliminating confusion. Specifically, the name change would further the public interest and public safety in the dispatching of emergency vehicles by eliminating a change in street name on a continuing street.

Therefore, the desired roadway name is specifically consistent with the criteria identified below:

*17D.050.020(B)(2):* Roadway names shall only change when there is a substantial intersection or significant “visual geometric cue.” Generally continuous roadways shall not be subdivided into segments with different names.

*17D.050.020(C)(14):* Way (Wy.): A curvilinear roadway.

**Citizen Comments**

Two comments have been received regarding the street name change. The comments, received by email, indicate that residents along the portion of roadway east of Elm, which are addressed with Elm addresses, are against the name change. Additional comments received, if any, will be presented at the Plan Commission public hearing.

**VI. RECOMMENDATION**

**STAFF CONCLUSION:** Based on the above findings, staff supports renaming the roadway “Centennial Way”.

ORDINANCE NO. 35329

AN INTERIM ZONING ORDINANCE OF THE CITY OF SPOKANE, WASHINGTON, RELATING TO THE DEFINITION OF A HOUSEHOLD; AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to RCW 35.63.200 and RCW 36.70A.390, the City of Spokane is authorized to impose interim zoning ordinances; and

WHEREAS, Federal housing laws prohibit discrimination in all aspects of housing because of familial status; and

WHEREAS, familial status is defined as having one or more individuals under 18 years of age who reside with a parent or another person with care and legal custody of that individual (including foster children) or with the designee of that parent or other person with legal custody; and

WHEREAS, foster children who are legally placed in a home meet the definition of "familial status" under the Fair Housing Act (42 U.S.C. Section 3602(k)) and, consequently, are protected by the Fair Housing Act from discrimination on the basis of familial status (*Gorski v. Troy*, 929 F.2d 1183 (7<sup>th</sup> Cir. 1991)); and

WHEREAS, enforcing zoning regulations in a manner that discriminates on the basis of familial status is unlawful and it is also a violation of fair housing laws for neighbors or other members of the community to harass or otherwise imply that residents are unwelcome because of their familial status; and

WHEREAS, pursuant to Chapter 1.06 of the Spokane Municipal Code, the City Council has previously found that discrimination based on familial status poses a substantial threat to the health, safety and general welfare of the citizens of Spokane, and that discrimination means different or unequal treatment because of familial status, which the SMC 1.06.030(G) defines as the relationship between two or more individuals, at least one of whom has not attained the age of eighteen years of age and is domiciled with a parent or person having legal custody, or the designee, with written permission of a parent or person having legal custody; and

WHEREAS, the City's Planning Director recently issued an interpretation of Section 17A.020.080(P) of the City's zoning code, concluding that it does not limit the number of foster children who may reside with their state-licensed foster parents; a group has appealed the Planning Director's interpretation to the City's Hearing Examiner; and

WHEREAS, as outlined in the Briefing Paper re: Definition of "Household," dated November 30, 2015 and attached and incorporated into this Ordinance, it is clear that the City of Spokane, through its zoning code or otherwise, intends instead to treat



families with foster children the same as families with other children, whether related by blood, adoption, or guardianship, and that the City has never intended to place a limit on the number of foster children that can live in a state-licensed foster family home; and

WHEREAS, based on the arguments raised in the pending appeal of the Planning Director's interpretation, however, the City plans to review its current zoning codes and ordinances to ensure that its existing regulations are consistent with Federal and State housing laws and chapter 1.06 SMC; and

WHEREAS, in the interim, the City Council hereby adopts an amended definition of "household" with the intent of eliminating any argument about whether or not the City intends to, by its zoning code, regulate the number of foster children that can live with their foster parents in a state-licensed foster family home; and

WHEREAS, pursuant to RCW 35.63.200 and 36.70A.390, where a city adopts an interim zoning ordinance without holding a public hearing on the proposed interim zoning ordinance, it must hold a hearing on the adopted interim zoning ordinance within at least sixty days of its adoption, whether or not the city has received a recommendation on the matter from the planning commission, and if the city has not adopted findings of fact justifying the interim zoning ordinance before this hearing, it must do so immediately after the public hearing; and

WHEREAS, the City Council finds that the interim zoning regulation adopted by this ordinance is necessary for the protection of the public health, safety, property or peace; and

WHEREAS, pursuant to WAC 197-11-880, the adoption of this ordinance is exempt from the requirements of a threshold determination under the State Environmental Policy Act; and

WHEREAS, the City Council adopts the foregoing as its findings of fact justifying its adoption of this ordinance;

NOW, THEREFORE, the City Council of the City of Spokane, Washington, does ordain:

Section 1. Interim Zoning Ordinance Adopted Regarding Definition of Household. Spokane Municipal Code Section 17A.020.080(P) is hereby amended, on an interim basis, as follows:

P. Household.

A housekeeping unit consisting of:

1. an individual;

2. two or more ~~((persons related by blood or marriage))~~ related persons as defined in SMC 17A.020.180(M);
3. a group of two or more disabled residents protected under the Federal Fair Housing Amendment Act of 1988;
4. adult family homes as defined under Washington State law; or
5. a group living arrangement where six or fewer residents receive support services such as counseling, foster care or medical supervision at the dwelling unit by resident or non-resident staff; and
6. up to six residents not related by blood or marriage who live together in dwelling unit, or in conjunction with any of the above individuals or groups, ((may occupy a dwelling unit)) shall also be considered a household. ((For purposes of this section, minors living with parent or legal guardian shall not be counted as part of the maximum number of residents.))
7. For purposes of this section, minors living with parent, legal custodian (including a foster parent), or legal guardian shall not be counted as part of the maximum number of residents.
8. Any limitation on the number of residents resulting from this definition shall not be applied in a manner inconsistent with the Fair Housing Amendment Act of 1988, 42 U.S.C. 360, et seq., the Washington law Against Discrimination, Chapter 49.60 RCW, and/or the Washington Housing Policy Act, RCW 46.63.220.

Section 2. Purpose. The purpose of amending the foregoing definition on an interim basis is to allow the City adequate time to review and possibly amend on a permanent basis its land use regulations relating to the definition of household and occupancy limitations.

Section 3. Duration of Interim Zoning Ordinance. This Ordinance shall be in effect for a period of six (6) months, beginning on the date of the adoption of this Ordinance.

Section 4. Public Hearing on Interim Zoning Ordinance. Pursuant to RCW 36.70A.390, the City Council shall hold a public hearing on this interim zoning ordinance within the next 60 days, on a date to be determined by the City Clerk. Immediately after the public hearing, the City Council shall adopt findings of fact on the subject of this interim zoning ordinance, and either justify its continued imposition or cancel it.

Section 5. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 6. Declaration of Emergency and Effective Date. This ordinance, passed by a majority plus one of the whole membership of the City Council as a public emergency ordinance necessary for the protection of the public health, public safety, public property, or public peace, shall be effective immediately upon its passage. Without this Ordinance, the City Council is concerned that the City's zoning regulations might be interpreted and enforced in a manner that is inconsistent with the City Council's desires and/or legislative intent, potentially subjecting the City to an increased risk of fair housing litigation.

ADOPTED BY THE CITY COUNCIL ON November 30, 2015.

Attest:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Council President

Approved as to form:

\_\_\_\_\_  
Assistant City Attorney

\_\_\_\_\_  
Date

\_\_\_\_\_  
Effective Date

**Attachment**

**Briefing Paper re: Definition of "Household"**

**BRIEFING PAPER**  
Definition of "Household"  
November 30, 2015

---

**Subject**

Earlier this month, the City's Planning Director received a request for an administrative interpretation of the City's zoning code, and particularly SMC 17A.020.080(P), which defines "household." The request was prompted by a pending home sale on W. Kitsap, in northwest Spokane. The buyers are state-licensed foster parents and are licensed to have eight foster children in their foster family home. Neighbors allege that the City's zoning code limits the number of foster children that may live in a foster family home, and that this family, because of the number of children in the home, falls under the City's group living regulations. On November 10, the Planning Director issued an interpretation, indicating that the City's zoning code does not limit the number of foster children that may reside in a foster family home. On November 23, on behalf of several neighbors, an attorney appealed the decision to the City's Hearing Examiner.

**Background**

State and Federal housing laws forbid discrimination in all aspects of housing against families with children, including adopted and foster children, unless the housing is for older persons. In particular, Federal housing laws prohibit discriminatory housing practices based on handicap and familial status, and foster children who are legally placed in a foster home meet the definition of "familial status" under the Fair Housing Act (42 U.S.C. Section 3602(k)). Consequently, foster parents and foster children are protected by the Fair Housing Act from discrimination on the basis of familial status. *Gorski v. Troy*, 929 F.2d 1183 (7<sup>th</sup> Cir. 1991). Enforcing zoning regulations in a manner that discriminates on the basis of familial status is unlawful, and it is also a violation of fair housing laws for neighbors or other members of the community to harass or otherwise imply that residents are unwelcome because of their familial status.

In addition, pursuant to chapter 1.06 of the Spokane Municipal Code, the City Council has previously found that discrimination based on familial status poses a substantial threat to the health, safety, and general welfare of the citizens of Spokane, and that discrimination means different or unequal treatment because of familial status, which SMC 1.06.030(G) defines as the relationship between two or more individuals, at least one of whom has not attained the age of eighteen years of age and is domiciled with a parent or person having legal custody, or the designee, with written permission of a parent or person having legal custody. Specifically, SMC 1.06.090(A)(d) provides that is a violation of the City of Spokane's law against discrimination for any person to discriminate by attempting to discourage the sale of any real property to a purchaser.

With respect to foster care and foster children specifically, Washington State law defines a "group-care facility" as an agency, other than a foster-family home, which is maintained and operated for the care of a group of children on a twenty-four hour basis. RCW 74.15.020(1)(f). Similarly, Washington State regulations define a "staffed residential home" as a licensed facility that provides twenty-four hour care to six or fewer children who require more supervision than can be provided in a foster home. (WAC 388-145-1305).

By contrast, State law defines a "Foster-family home" as an agency which regularly provides

care on a twenty-four hour basis to one or more children, expectant mothers, or persons with developmental disabilities in the family abode of the person or persons under whose direct care and supervision the child, expectant mother, or person with developmental disability is placed. RCW 74.15.020(1)(e). Similarly, Washington regulations define “foster home or foster family home” as a person(s) licensed to regularly provide twenty-four hour care in their home to children. WAC 388-148-1305.

We are confident that the City’s zoning regulations are consistent with the foregoing antidiscrimination provisions and cannot be read to limit the number of foster children living in a foster family home. Section 17A.020.080(P) of the City’s zoning regulations defines household as follows:

Household.

A housekeeping unit consisting of:

1. an individual;
2. two or more persons related by blood or marriage;
3. a group of two or more disabled residents protected under the Federal Fair Housing Amendment Act of 1988;
4. adult family homes as defined under Washington State law; or
5. a group living arrangement where six or fewer residents receive support services such as counseling, foster care or medical supervision at the dwelling unit by resident or non-resident staff;<sup>1</sup> and
6. up to six residents not related by blood or marriage, or in conjunction with any of the above individuals or groups, may occupy a dwelling unit. For purposes of this section, minors living with parent or legal guardian shall not be counted as part of the maximum number of residents.

In a related definition, “related persons” are defined as follows:

Related Persons.

One or more persons related either by blood, marriage, adoption, or guardianship, and including foster children and exchange students; provided, however, any limitation on the number of residents resulting from this definition shall not be applied if it prohibits the City from making reasonable accommodations to disabled persons in order to afford such persons equal opportunity to use and enjoy a dwelling as required by the Fair Housing Amendment Act of 1988, 42 U.S.C. 3604(f)(3)(b) and the Washington Housing Policy Act, RCW 35.63.220.

Section 17A.020.180(M).

---

<sup>1</sup> The neighbors point to the reference to “foster care” in this section as the controlling language in their appeal. But we believe it is clear that this language refers to the State’s definition of a group-care facility, per RCW 74.15.020(1)(f), and not a foster family home where foster parents care for foster children in their own home, as in this case.

When the forgoing provisions are read together, it is clear that the City Council intended to treat families with foster children the same as families with other children, whether related by blood, adoption, or guardianship, and that the Council never intended to place a limit on the number of foster children that can live in a foster family home.

**Action**

While the City disagrees with efforts to interpret the City's zoning regulations in a manner that treats families with foster children differently than other families, the City would like to take this opportunity to conduct a review of its zoning codes and ordinances to ensure that the City's existing regulations are fully consistent with Federal and State housing laws and chapter 1.06 of the Spokane Municipal Code. In the interim, the City plans to adopt an interim zoning ordinance that aims to eliminate any question about whether or not the City Council intends for the City's zoning code to treat families with foster children differently than any other families.

[illegible]

# Electric Guard Dog

7608 Fairfield Road  
Columbia, SC 29203  
PHONE: 803-786-6333  
FAX: 803-404-5378

PROJECT:	<b>REQUEST TO AUTHORIZE A SECURITY SYSTEM 3901 E. BROADWAY AVENUE SPOKANE, WA 99202 PAR#: 35151.3202</b>
SHEET TITLE:	<b>SITE PLAN</b>

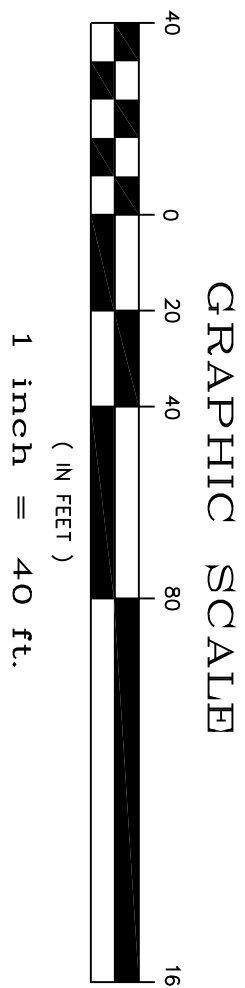
DATE: APR. 03, 2015

SCALE: 1" = 40'









SHEE

1 OF 3

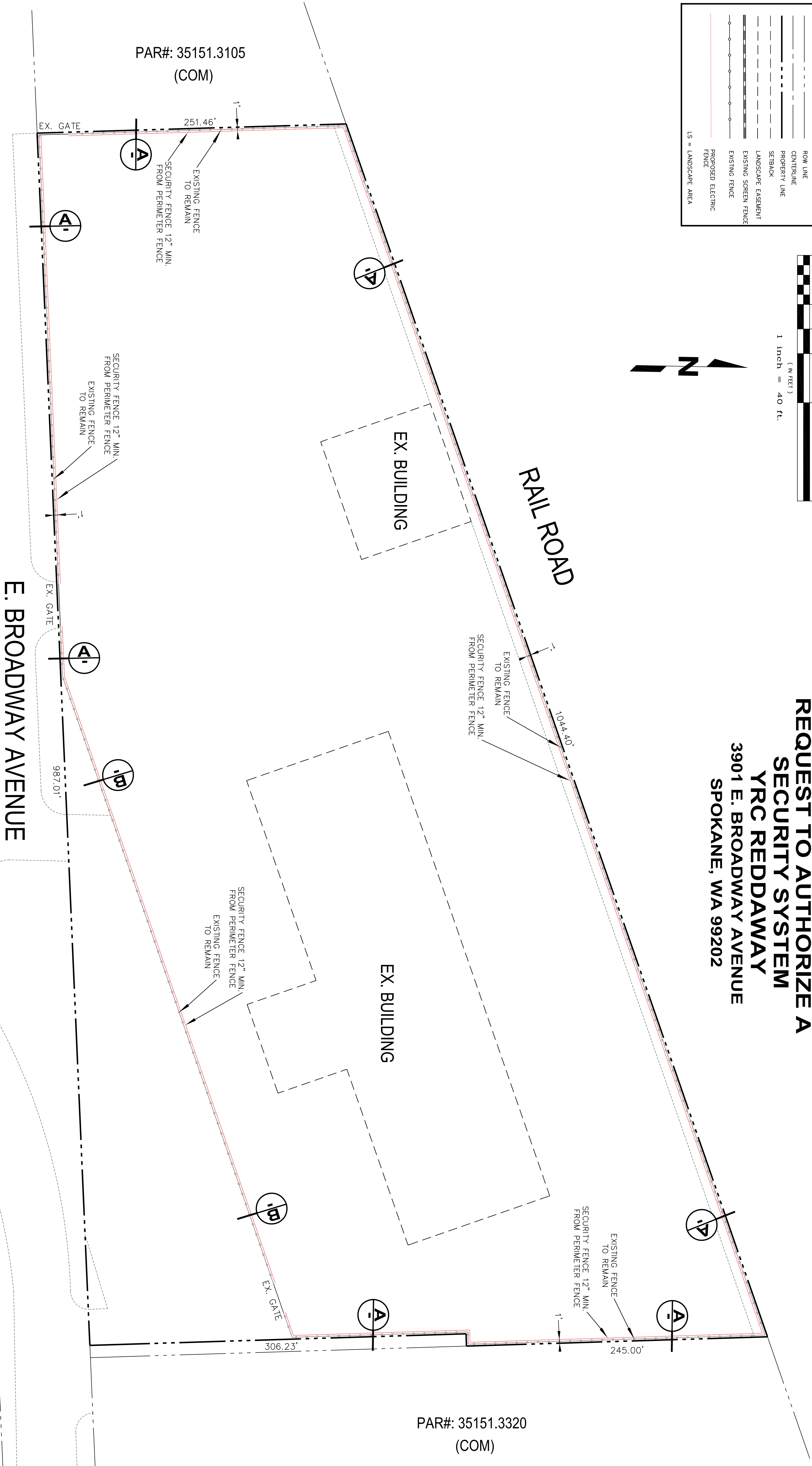
**SITE PLAN**  
**REQUEST TO AUTHORIZE A**  
**SECURITY SYSTEM**  
**YRC REDDAWAY**  
3901 E. BROADWAY AVENUE  
SPOKANE, WA 99202



## LEGEND

	ROW LINE
	CENTERLINE
	PROPERTY LINE
	SETBACK
	LANDSCAPE EASEMENT
	EXISTING GREEN FENCE
	EXISTING FENCE
	PROPOSED ELECTRIC FENCE

LS = LANDSCAPE AREA



PAR#: 35151.3105  
(COM)

PAR#: 35151.3320  
(COM)

## E. BROADWAY AVENUE

## EX. BUILDING

## EX. BUILDING

# RAILROAD

## PROJECT DATA

PAR#: 35151.3202  
ACREAGE: 9.00 +/- NET ACRES

BUILDING FOOTPRINT: 42,600 TOTAL S.F.  
LOT COVERAGE: 10.8% COVERAGE

EXISTING: COM

**PARKING:** REQUIRED: 43 SPACES.  
PROVIDED: 43+ SPACES

MINIMUM FENCE SETBACKS:

FRONT - 1'
REAR - 1'
SIDE - 1'


## NOTES:

POLE LOCATIONS: TO BE LOCATED APPROXIMATELY ON EACH SIDE OF GATE(S) & EVERY 90° (OR GREATER) TURN IN FENCE LINE. FIBERGLASS/INTERMEDIATE POLES: TO BE LOCATED APPROXIMATELY EVERY 30'

DISCLAIMER:  
POLE LOCATIONS MAY SLIGHTLY DEVIATE FROM  
STIPULATIONS ABOVE DUE TO ON-SITE CONDITIONS"

DEVELOPER

YRC Reddaway  
3901 East Broadway Ave  
Spokane WA 99202



FREYA S

## VICINITY MAP

NOT TO SCALE





NOTE:  
DURING CONSTRUCTION, STEEL POLE WILL BE  
SUPPORTED EXTERNALLY TO ASSURE 2" MIN.  
SPACING FROM BOTTOM OF FOOTING.

STEEL POLE DETAIL

NTS



3 STRANDS OF WIRE  
EXTENDED 4" MIN.  
FOR ANCHOR

FIBERGLASS POLE DETAIL

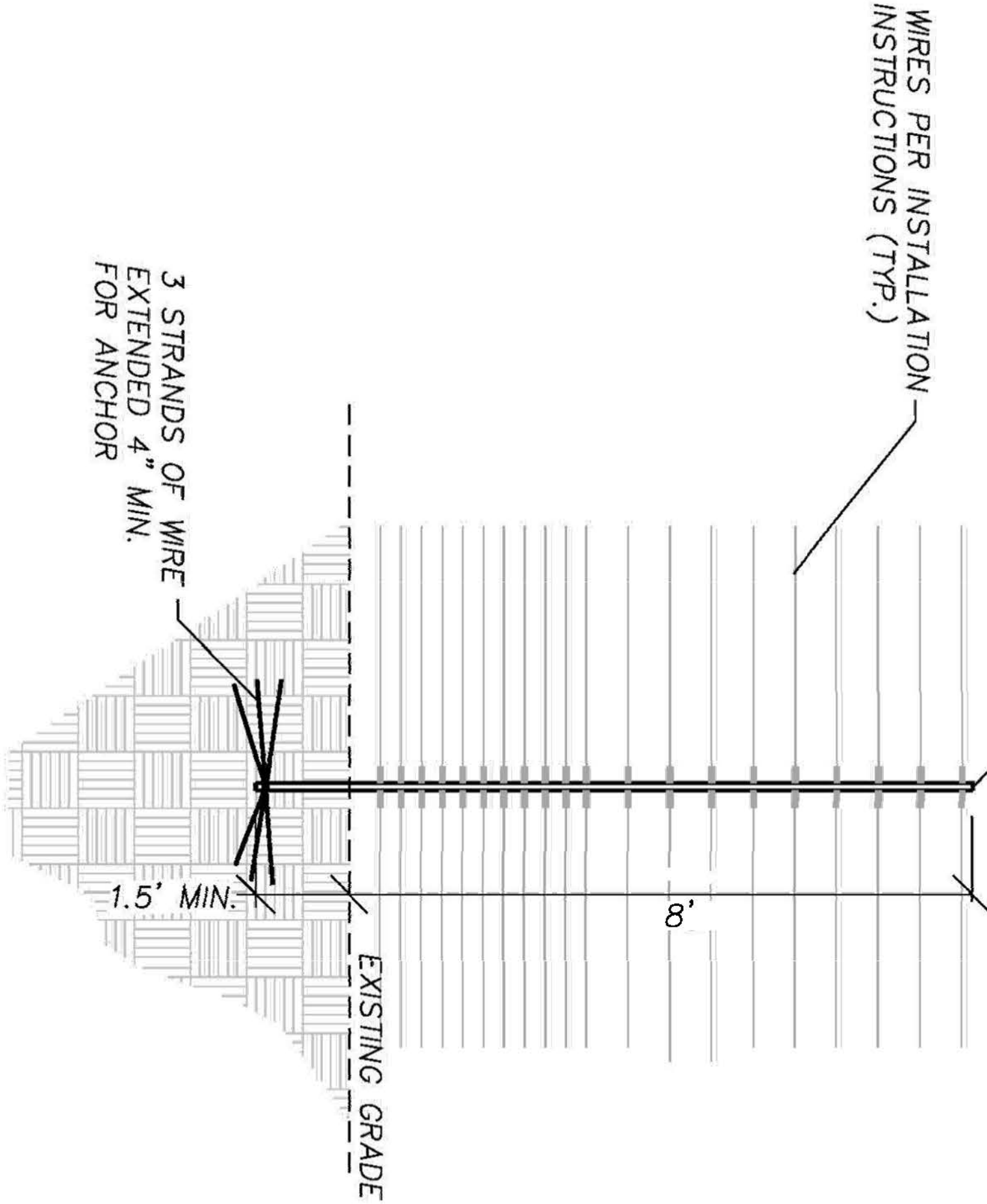
NTS



NOTE:  
BOTH ENGLISH AND SPANISH VERSION OF THE "WARNING  
SIGN" WILL BE PLACED EVERY 60 FEET MAXIMUM..

EXAMPLE WARNING SIGNS

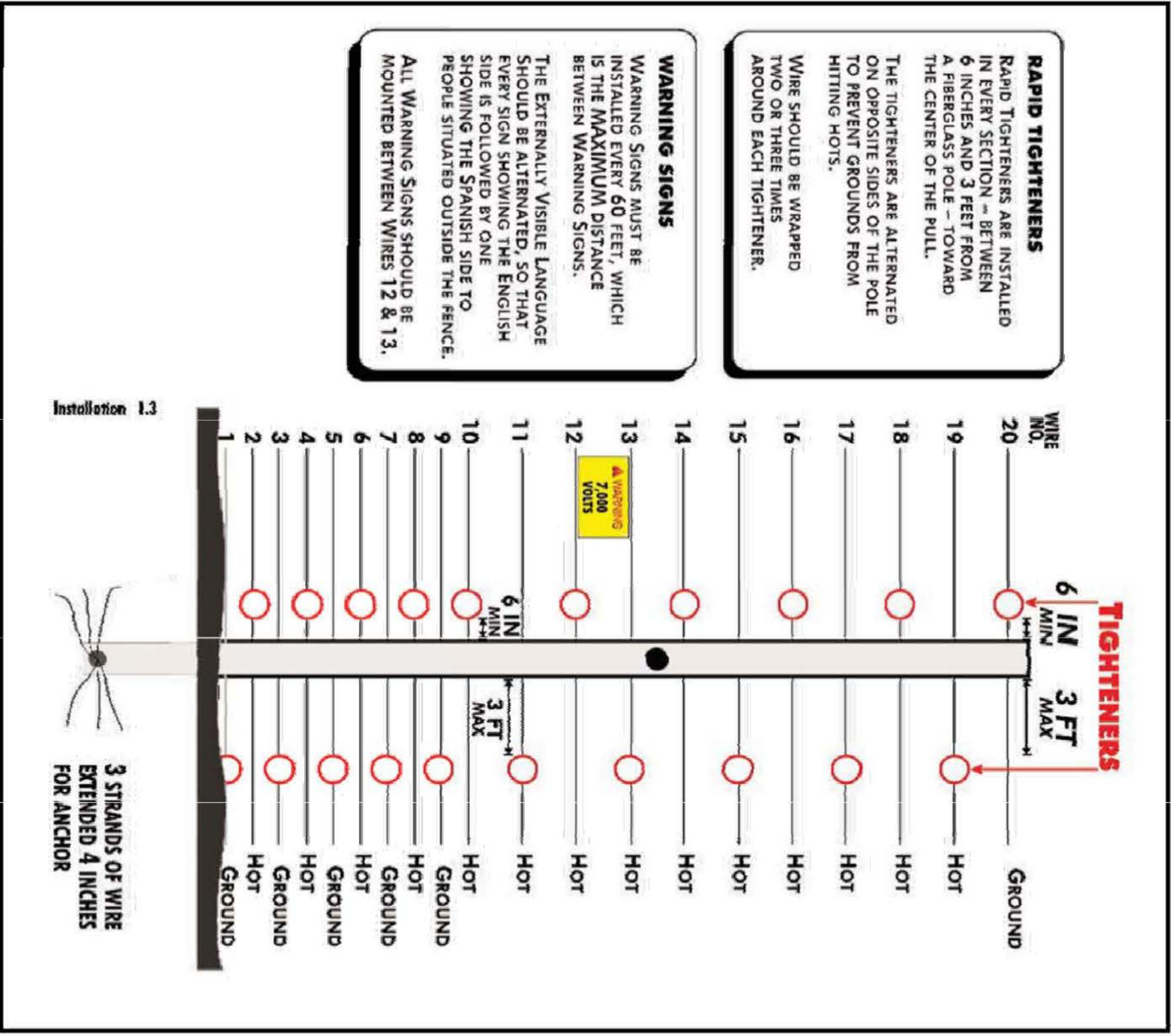
NTS



3 STRANDS OF WIRE  
EXTENDED 4" MIN.  
FOR ANCHOR

FIBERGLASS POLE DETAIL

NTS



WIRE CONNECTIONS

NTS

#	DATE / DESCRIPTION

Electric Guard Dog

7608 Fairfield Road  
Columbia, SC 29203  
PHONE: 803-786-6333  
FAX: 803-404-5378

PROJECT:	REQUEST TO AUTHORIZE A SECURITY SYSTEM 3901 E. BROADWAY AVENUE SPOKANE, WA 99202 PAR#: 35151.3202
SHEET TITLE:	TYPICAL DETAILS

DATE: APR. 03, 2015  
SCALE: N/A

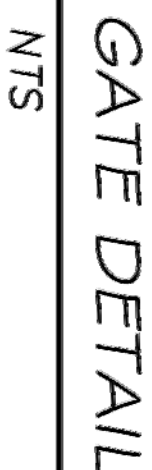
SHEET

2 OF 3



# Electric Guard Dog

DATE: APR. 03, 2015  
SCALE: N/A



THE BOTTOM OF THE LOWEST BOX MUST BE AT LEAST 2 FEET ABOVE GROUND LEVEL, AND THE POLES MUST BE ANCHORED AT LEAST 5'-6" BELOW GROUND LEVEL.